

REMARKS

1. In the above-captioned Office Action, claims 1, 3-9, 11, 12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) in view of Nieuwstadt et al. (U.S. Patent No. 6,397,587). Claims 2, 10, 13, and 17 were indicated as containing allowable subject matter. These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claims 1, 3-9, 11, 12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) in view of Nieuwstadt et al.

The Nieuwstadt Reference

Nieuwstadt teaches a method for monitoring the loading of a diesel particulate filter located in an *exhaust system* of a vehicle based on a measurement of a MAP sensor that "measures the manifold pressure within [an] *intake manifold*" [col. 3, lines 38-39, emphasis added] of an engine. Nieuwstadt teaches away from the use "of pressure and/or temperature sensors in the exhaust system" [col. 1, lines 51-53], which is where the particulate filter is placed. Therefore Nieuwstadt cannot directly measure a pressure *near* the filter, as stated in independent claims 1, 7, and 14.

The claimed elements in this application of obtaining a measured fluid pressure *near* a fluid filter in an internal combustion engine in claim 1, obtaining a measured fluid pressure *near* a filter in an internal combustion engine in claim 7, or having a pressure sensor arranged and constructed to measure a pressure of a fluid *near* a filter for the fluid of an internal combustion engine in claim 14, are not found within the teachings of Nieuwstadt. The "sensor" taught by Nieuwstadt does not measure a pressure near the particulate filter because it is not located within the same fluid system as the particulate filter, simply, the sensor in Nieuwstadt is in an intake system of the engine and the particulate filter is in an exhaust system.

Hence, there are elements in independent claims 1, 7, and 14 are not taught nor are obvious in any combination with the teachings of Nieuwstadt. Therefore, independent claims 1, 7, and 14 are allowable in view of Nieuwstadt.

The Examiner's rejections have provided no more motivation than to simply point out the individual words of the Applicant's claims among the references, but without the reason and result as provided in the Applicant's claims and specification, and without reason as to why and how the references could provide the Applicant's invention as claimed. Therefore, the Examiner has not met the burden of sustaining a 35 U.S.C. §103 rejection.

Furthermore, claims 3-6, 8, 9, 11, 12, 15, 16, and 18-20 are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

3. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-20 is hereby respectfully requested.

Respectfully submitted,

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